



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

May 28, 2018

BY ECF

The Honorable Ronnie Abrams
United States District Judge, Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Archer, et al., S3 16 Cr. 371 (RA)

Dear Judge Abrams:

The Government respectfully submits this letter in advance of tomorrow's testimony of Timothy Anderson to identify for the Court which exhibits we presently intend to object to if offered during defense cross-examinations of Mr. Anderson.

1. Emails in which Mr. Anderson Does Not Appear as a Sender or Recipient

The defendants have identified multiple emails on which Mr. Anderson does not appear as a sender or a recipient, is not a percipient witness to, contain hearsay if offered by the defense, and which would be confusing if offered by the defense through Mr. Anderson. Such emails would be improper for the defense to try and introduce through Mr. Anderson. (Tr. 121:2-5 (colloquy with Ms. Notari)). The Government therefore objects to these exhibits as offered by the defense through their cross-examinations of Mr. Anderson:

- a. GX 403, 1264, 1269, 1274, 1275, 1281, 2011, 3221¹
- b. DX 3005, 3514b, 3520, 3521, 4600
- c. "Tab 31" (identified by Cooney)
- d. "DP00005052" (identified by John Galanis)

¹ The Government has provided the Court with copies of all of the Government Exhibits referenced in this letter. We do not know, however, if the defense has provided the Court with its proposed exhibits and, therefore, we are attaching the relevant defense exhibits.

2. Exhibits Containing Inadmissible Hearsay

The defendants have also identified multiple documents that appear to contain inadmissible hearsay and for which no obvious exception applies. The Government objects to these exhibits as offered by the defense through their cross-examinations of Mr. Anderson:

- a. GX 777, 1334, 1336, 1344, 1346, 2241
- b. DX 3156, 3532, 3703, 3704, 3705, 3706

The Government is still reviewing the defendants' exhibits and may have additional objections to raise with the Court in advance of tomorrow's testimony.

Respectfully submitted,

ROBERT KHUZAMI
Attorney for the United States, Acting Under
Authority Conferred by 28 U.S.C. § 515

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Enclosures

cc: Counsel of record (via ECF)